

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MELISSA MARIE BURGESS, a/k/a MELISSA  
MARIE LOWREY,

Defendant-Appellant.

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UNPUBLISHED

November 19, 2002

No. 233193

St. Joseph Circuit Court

LC No. 99-009678-FH

Before: Griffin, P.J., and Gage and Meter, JJ.

MEMORANDUM.

Defendant was convicted of two counts of forgery, MCL 750.248, and two counts of uttering and publishing a forged instrument, MCL 750.249, for which she was sentenced to serve four concurrent prison terms of seven to fourteen years. She appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the sentences are disproportionate. We disagree. Defendant's seven-year minimum sentences fall within the guidelines range, albeit at the high end, and therefore are presumptively proportionate. *People v Hogan*, 225 Mich App 431, 437; 571 NW2d 737 (1997). Defendant's fourteen-year maximum sentences are the statutory maximum for uttering and publishing a forged instrument, MCL 750.249, and forgery, MCL 750.248. Given the serious nature of the present offenses, defendant's extensive criminal history—including five felony and ten misdemeanor convictions—and the fact that she absconded on the initial day of sentencing, we do not find that any of the factors cited by defendant overcome the presumption of proportionality. Accordingly, defendant has failed to demonstrate an abuse of discretion by the sentencing judge or a violation of the principle of proportionality. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990).

Affirmed.

/s/ Richard Allen Griffin

/s/ Hilda R. Gage

/s/ Patrick M. Meter